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MITTEL NETWORKS CORPORATION 7300 WEST BOSTON STREET CHANDLER, AZ 85226			WALSH, JOHN B	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ENG-KEONG LEE

Appeal 2009-010991
Application 10/696,148
Technology Center 2400

Before MAHSHID D. SAADAT, MICHAEL R. ZECHER,
and JULIE K. BROCKETTI, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the rejection of claims 1, 2, 4-9, and 11-18. Claims 3 and 10 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellant's invention relates to a status notification system in a group of communications endpoints for alerting a user upon occurrence of a reportable event corresponding to one of the contacts in a personal list of contacts (Spec. ¶¶ [0001], [0008]).

Independent claim 1 is illustrative of the invention and reads as follows:

1. An endpoint status notification system for use in a telecommunications network, the system comprising:
 - an address book comprising a plurality of network user's names and their associated endpoints;
 - a personal list of contacts comprising the users selected from the address book by one of the users;
 - an instant message alert received by said one user upon every occurrence of a reportable event for the contacts on the list, the alert comprising one of a plurality of viewable informational status messages pertaining to the contact and delivered to said one user unbeknownst to the contact, the reportable event being selected by said one user for each of the contacts on the list, whereby the reportable events received by said one user may differ for each of the contacts on the personal list; and
 - a viewable call-control option received by said one user simultaneous with the instant message alert and selection of said option causes a telecommunication function related to the reportable event and pertaining to the contact to immediately occur.

The Examiner rejected claims 1, 2, 4-9, and 11-18 under 35 U.S.C. § 102(e) as anticipated by Mullaly (US 6,553,341 B1, issued Apr. 22, 2003).

ISSUE

Did the Examiner err in rejecting the claims as anticipated by Mullaly because the reference fails to disclose “a viewable call-control option received by said one user simultaneous with the instant message alert...” wherein “...selection of said option causes a telecommunication function related to the reportable event and pertaining to the contact to immediately occur,” as recited in claim 1.

ANALYSIS

The Examiner takes the position that Figures 6 and 8 of Mullaly disclose an audible alert with a pop-up window and a viewable “call-control option...” which are displayed simultaneously (Ans. 7). By further relying on column 8, lines 49-56 and element 802 in Figure 8 for describing a pop-up window and on column 8, lines 3-14 and element 626 in Figure 6 of Mullaly, the Examiner concludes that the step of sending mail is a “telecommunication function” that takes place in response to incoming message or alert (*id.*).

Appellant contends that Mullaly provides an audible alert to inform a user of arrival of a new email and to announce the content of the message using natural language sentences (App. Br. 8). Appellant further points out that the audible announcement of the receipt of an email message in Mullaly cannot include a “viewable call-control option,” as claimed (App. Br. 9).

We agree with Appellant that Mullaly does not disclose “a viewable call-control option received by said one user simultaneous with the instant message alert...,” as recited in claim 1. The relied-on portions in Figure 6 of Mullaly merely describe an audible alert to announce to the user the receipt

of an email from a contact while the “send mail” button 626 is unrelated to any reportable event pertaining to that contact (*see col. 8, ll. 9-14*).

Similarly, we agree with Appellant (Reply Br. 7-8) that none of the selectable options depicted in Figure 8 of Mullaly can be construed as a viewable call-control option that performs a function related to a reportable event pertaining to the contact, as recited in claim 1 and described in Appellant’s Specification. In fact, Figure 8 of Mullaly depicts a user interface for customizing notification settings and the way the alert is presented to the user (*see col. 8, ll. 49-65*).

CONCLUSION

On the record before us, we find that the Examiner erred in rejecting claim 1 because Mullaly does not disclose the disputed claim language. Therefore, we do not sustain the 35 U.S.C. § 102 rejection of claim 1, or claims 9 and 14 which include similar limitations discussed above, or of claims 2, 4-8, 11-13, and 15-18 dependent therefrom.

DECISION

The decision of the Examiner rejecting claims 1, 2, 4-9, and 11-18 is reversed.

REVERSED

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